



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/408,858	09/30/1999	J. RICHARD HANNA	D-1116R1	4536

28995 7590 06/26/2002

RALPH E. JOCKE  
231 SOUTH BROADWAY  
MEDINA, OH 44256

EXAMINER

FUREMAN, JARED

ART UNIT	PAPER NUMBER
----------	--------------

2876

DATE MAILED: 06/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/408,858

Applicant(s)

HANNA ET AL.

Examiner

Jared J. Fureman

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Receipt is acknowledged of the amendment filed on 4/11/2002, which has been entered in the file. Claims 1-30 are pending.

#### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1, 3, 8, 11, 21-24, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Peters et al (US 6,164,529, previously cited).

Peters et al teaches a method comprising the steps of: capturing a user/depositor image of a user/depositor with an external area imaging device (digital camera 44), wherein the external area imaging device has a field of view including an exterior area outside of a deposit accepting machine (ATM 10), capturing an item image of a deposit item placed inside the deposit accepting machine with an interior area imaging device (part of document processing module 40 located within ATM 10), wherein the interior area imaging device has a field of view including an interior area inside the deposit

Art Unit: 2876

accepting machine, displaying (verifying the information, arrow path B in figure 3) the user image and the item image to the user through a display (14) operatively connected to the deposit accepting machine, wherein a depositor is provided assurance of the deposit, storing the user image and the item image in associated relation in a storage device (flex disc 34), receiving a user input (card data and PIN) from the user through at least one input device (key pad 16, card reader 24) in operative connection with the deposit accepting machine, comparing through operation of a computer data corresponding to at least a portion of the user input to data stored in a data store for a corresponding relationship, enabling the user to access the interior area to place the deposit item therein responsive to the input data and stored data having a corresponding relationship (valid card and PIN number), wherein the input device includes a card reader (24) and the input received includes data encoded on a card, an apparatus including the deposit accepting machine, external area imaging device, the internal area imaging device, and the display recited in claim 1, operated responsive to a computer to perform the method steps recited in claim 1 (see figures 1-3, column 1 line 58 - column 2 line 23, column 2 lines 41-59, 62-65, and column 3 lines 4-13).

2. Claims 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnston (US 5,673,333, previously cited).

Johnston teaches a method comprising: (a) depositing an item (envelope, check, or payment slip, for example) inside a deposit accepting machine (10), (b) displaying an image of the deposited item through a display (24) operatively connected to the deposit accepting machine, wherein a depositor is provided assurance of the deposit, capturing

Art Unit: 2876

an item image of the deposited item inside the deposit accepting machine with an imaging device (scanning means 76), wherein the item image is displayed in (b) (see figures 1, 2B, 3, column 1 lines 9-22, column 2 lines 46-65, column 4 lines 38-43, column 4 line 66 - column 5 line 18, column 5 lines 33-36, 45-61, column 6 line 51 - column 7 line 10).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4, 12, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al in view of Cataldo et al (US 4,245,902, previously cited).

The teachings of Peters et al have been discussed above. Peters et al also teaches the deposit accepting machine including an access opening (a cash and/or check deposit facility, see column 2 lines 41-42).

Peters et al fails to specifically teach that the user image and the item image are simultaneously displayed through the display, the user image and the item image are displayed as a single combined image and further comprising the step of storing the single combined image in a storage device, a movable door selectively enables access to the interior area through the access opening, and wherein in step (a) the user image is captured responsive to the user moving the door to a position opening the access opening

Cataldo et al teaches a method comprising the steps of: capturing a user image of a user with an external area imaging device (lens 26 of dual camera 25), wherein the external area imaging device has a field of view including an exterior area outside of a deposit accepting machine, capturing an item image of a deposit item placed inside the deposit accepting machine with an interior area imaging device (lens 27 of dual camera 25), wherein the interior area imaging device has a field of view including an interior area inside the deposit accepting machine, the user image and the item image are recorded for simultaneous display (see figure 3) through a display device (not shown), the user image and the item image are displayed as a single combined image and further comprising the step of storing the single combined image in a storage device (film), the deposit accepting machine includes an access opening, wherein a movable door (14) selectively enables access to the interior area through the access opening, and wherein in step (a) the user image is captured responsive to the user moving the door to a position opening the access opening (see figures 1-3, column 1 lines 19-23, 35-46, column 1 line 56 - column 2 line 26, column 2 lines 50-53).

In view of Cataldo et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Peters et al, the user image and the item image are simultaneously displayed through the display, the user image and the item image are displayed as a single combined image and further comprising the step of storing the single combined image in a storage device, a movable door selectively enables access to the interior area through the access opening, and wherein in step (a) the user image is captured

Art Unit: 2876

responsive to the user moving the door to a position opening the access opening, in order to provide a convenient display of the images rather than making a user scroll or flip through the images, to allow the deposit of larger items such as a bag or package, and to save resources by only capturing images when a user wishes to make a deposit.

5. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al in view of Graef et al (US 5,540,425, previously cited).

The teachings of Peters et al have been discussed above.

Peters et al fails to specifically teach the deposit accepting machine includes an item transport extending in the interior area, and prior to step (b) further comprising the step of: moving the deposit item away from the access opening with the item transport to a first internal area wherein the deposit is not accessible through the access opening, wherein the image of the deposit item in step (b) is captured when the deposit item is in the first internal area, wherein the interior area of the deposit accepting machine includes a second internal area, wherein the deposit item is stored in the interior area in the second internal area, and subsequent to step (c) further comprising the step of passing the deposit item from the first internal area to the second internal area, wherein the storage device is in operative connection with a server, and further comprising the step of accessing the item image from a remote computer through the server.

Graef et al teaches a method comprising the steps of: capturing an item image of a deposit item placed inside a deposit accepting machine (10) with an interior area imaging device (scanner imager 80), wherein the interior area imaging device has a

Art Unit: 2876

field of view including an interior area inside the deposit accepting machine, displaying the item image to a user through a display (not shown) operatively connected to the deposit accepting machine, the deposit accepting machine includes an access opening (slot 26) to the interior area, wherein the deposit item is passed to the interior area through the access opening, and wherein the deposit accepting machine includes an item transport (conveyor 370 and associated motor(s)) extending in the interior area, and prior to capturing the item image further comprising the step of: moving the deposit item away from the access opening with the item transport to a first internal area (second transport path, including imager 80) wherein the deposit is not accessible through the access opening, wherein the image of the deposit item in step (b) is captured when the deposit item is in the first internal area, wherein the interior area of the deposit accepting machine includes a second internal area (deposit storage module 14 or envelope storage module 30), wherein the deposit item is stored in the interior area in the second internal area, and subsequent to step (c) further comprising the step of passing the deposit item from the first internal area to the second internal area, wherein the storage device (memory of the CPU 600) is in operative connection with a server (an external database, such as a bank or similar financial institution), and further comprising the step of accessing the item image from a remote computer through the server (this step is necessarily present since the purpose of storing the information in a external database is to provide access to the information from a remote computer) (see figures 1, 3, 10, 21-23D, 25, column 1 lines 8-19, column 1 line 48 - column 2 line 24, column 5 lines 53 - column 6 line 27, column 10 lines 1-17, column 13 line 43 - column



Art Unit: 2876

14 line 3, column 15 lines 15-30, column 16 lines 11-27, column 17 lines 54-59, column 19 line 63 - column 20 line 21, column 20 lines 40-46, column 24 line 43 - column 25 line 21).

In view of Graef et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Peters et al, the deposit accepting machine includes an item transport extending in the interior area, and prior to step (b) further comprising the step of: moving the deposit item away from the access opening with the item transport to a first internal area wherein the deposit is not accessible through the access opening, wherein the image of the deposit item in step (b) is captured when the deposit item is in the first internal area, wherein the interior area of the deposit accepting machine includes a second internal area, wherein the deposit item is stored in the interior area in the second internal area, and subsequent to step (c) further comprising the step of passing the deposit item from the first internal area to the second internal area, wherein the storage device is in operative connection with a server, and further comprising the step of accessing the item image from a remote computer through the server, in order to allow reading of any other machine readable indicia (for example, MICR characters, bar codes) on the item while also allowing imaging of the item, and to transmit the transaction data to the host for further processing/verification.

6. Claims 9, 10, 13, 15, 17, 20, 26, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al in view of Henry et al (US 5,774,059, previously cited).

The teachings of Peters et al have been discussed above. Peters et al also teaches the computer being in operative connection with a clock device (37), and further comprising recording at least one current time during execution of at least one of the method steps, wherein in the storing step data representative of the recorded current time is stored in associated relation with the user image and the item image (see figure 3 and column 2 lines 45-59).

Peters et al fails to teach the user input received includes a deposit bag identifier, wherein the input received includes a deposit bag identification number input through the keypad, the user input further including amount data representative of an amount associated with the deposit item, and wherein the amount is displayed through the display with the user image and the item image, storing data representative of the amount with the user image and item image in associated relation in a storage device, and accessing with a remote computer through the server the associated stored data representative of the recorded time and amount.

Henry et al teaches a method including the steps of: receiving user input from a user through at least one input device (key receptacle 20, keypad 22) in operative connection with a deposit accepting machine, comparing through operation of a computer, data corresponding to at least a portion of the user input to data stored in a data store for a corresponding relationship (keys and data associated with the keys), enabling the user to access the interior area to place the deposit item therein responsive to the input data and stored data having a corresponding relationship, wherein the user input received includes a deposit bag identifier (a deposit number

Art Unit: 2876

inscribed upon the parcel being deposited), the input device includes a keypad (22) and wherein the input received includes a deposit bag identification number input through the keypad, the user input further including amount data representative of an amount associated with the deposit item, and wherein the amount is displayed through a display (28), storing data representative of the amount in a storage device, the deposit accepting machine includes a storage device (a database of accesses to electronic lock 12) wherein the recorded time and amount are stored in the storage device (see figures 1-4, column 3 lines 18-28, column 4 line 66 - column 6 line 39, column 7 line 61-64, column 16 line 42-53, column 18 line 19-34).

In view of Henry et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Peters et al, the user input received includes a deposit bag identifier, wherein the input received includes a deposit bag identification number input through the keypad, the user input further including amount data representative of an amount associated with the deposit item, and wherein the amount is displayed through the display with the user image and the item image, storing data representative of the amount with the user image and item image in associated relation in a storage device, and accessing with a remote computer through the server the associated stored data representative of the recorded time and amount, in order to provide and record complete transaction details.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al in view of Blumstein et al (US 5,589,855, previously cited).

The teachings of Peters et al have been discussed above.

Peters et al fails to teach the user input further including data representative of a first amount of a first type item included in the deposit item and a second amount of a second type item included in the deposit item, and wherein the first amount and the second amount are displayed with the user image and the item image.

Blumstein et al teaches a method including the steps of: a user entering data, into a deposit accepting machine (an ATM), representative of a first amount of a first type (dollars) item included in the deposit item and a second amount of a second type (cents) item included in the deposit item, and wherein the first amount and the second amount are displayed (see figures 4, 5, column 7 lines 8-38).

In view of Blumstein et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Peters, the user input further including data representative of a first amount of a first type item included in the deposit item and a second amount of a second type item included in the deposit item, and wherein the first amount and the second amount are displayed with the user image and the item image, in order to provide the ability to deposit dollars as well as cents.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al as modified by Henry et al as applied to claim 15 above, and further in view of Cataldo et al.

Peters et al as modified by Henry et al fails to specifically teach wherein in the storing step the amount, user image and item image are stored as a single combined image in the storage device.

Art Unit: 2876

The teachings of Cataldo et al have been discussed above.

In view of Cataldo et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Peters et al as modified by Henry et al, in the storing step the amount, user image and item image are stored as a single combined image in the storage device, in order to provide a convenient display of the images rather than making a user scroll or flip through the images.

9. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al in view of Abecassis (US 5,422,468, previously cited).

The teachings of Peters et al have been discussed above.

Peters et al fails to teach presenting on the display a prompt message for a user to input a receipt number corresponding to a number of receipts to be provided, receiving from a user a receipt number input through an input device operatively connected to the deposit accepting machine, providing with a receipt delivery device operatively connected to the deposit accepting machine, a number of receipts corresponding to the receipt number input by the user, wherein the receipt delivery device includes a printer, wherein the printer is operative to print the number of receipts, each receipt including indicia corresponding to the amount.

However, Peters et al does teach printing a receipt including indicia corresponding to the amount, and presenting on the display a prompt message for a user to input whether a mini statement is requested, receiving from the user an indication input through an input device operatively connected to the deposit accepting

machine of whether the mini statement is requested, providing with a receipt delivery device operatively connected to the deposit accepting machine the receipt and mini statement, wherein the receipt delivery device includes a printer, wherein the printer is operative to print the receipt and mini statement, each receipt and mini statement including the amount (see column 2 lines 9-12).

In view of Peters et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Peters et al, presenting on the display a prompt message for a user to input whether a receipt is to be provided, receiving from a user an input through an input device operatively connected to the deposit accepting machine, providing with a receipt delivery device operatively connected to the deposit accepting machine, a receipt, wherein the receipt delivery device includes a printer, wherein the printer is operative to print the receipt, each receipt including indicia corresponding to the amount, in order to provide the user with a hard copy of the transaction details, thereby allowing the user to review the transaction details at a later time without the need to read the flex disc.

Peters et al fails to teach inputting a receipt number corresponding to a number of receipts to be provided, and the printer printing the number of receipts.

Abecassis teaches a method including the step of: providing a number of receipts, each receipt including indicia corresponding to the amount (see figures 3, 4, and column 3 lines 16-19).

In view of Abecassis' teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Peters

Art Unit: 2876

et al, inputting a receipt number corresponding to a number of receipts to be provided, and the printer printing the number of receipts, in order to provide the ability to provide multiple receipts to the user for record keeping/filing purposes.

10. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al in view of Tranchita et al (US 5,973,730).

The teachings of Peters et al have been discussed above.

Peters et al fails to specifically teach wherein the item image capturing device comprises an infrared camera.

Tranchita et al teaches an automated teller machine utilizing an image capturing device, wherein the image capturing device comprises an infrared camera (see figure 4, column 1 lines 50-64, column 2 lines 5-13, 41-52, and column 3 lines 56-61).

In view of Tranchita et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Peters et al, the item image capturing device comprises an infrared camera, in order to provide a camera that will adequately record images despite the amount or variation in background illumination (see column 1 lines 50-64).

### ***Response to Arguments***

11. Applicant's arguments filed 4/11/2002 have been fully considered but they are not persuasive.

In response to Applicant's argument that Peters does not teach displaying the user image and item image to the user through a display operatively connected to the deposit accepting machine, there is no evidence that Peters' ATM display screen is

Art Unit: 2876

even capable of displaying a user image and an item image, there is no evidence that Peters has the hardware and software arrangements necessary to permit the ATM display screen to display a user image and an item image (see page 8 of the amendment filed on 4/11/2002), Peters teaches that the ATM 10 downloads various items to the flex disc 34 through the encryption module 32. The items include, among other things, a digital image of a scanned document such as a cheque or a bill payment form from the processing module 40, a digital camera 44 provides an image of whatever is within its view, usually the face of the person inserting the disc, as a security check, and an image of the deposited cheques (see column 2 lines 45-59). Peters states, "All of the above items of information are written to the disc 34 by the arrowed path A. The arrowed path B in the reverse direction allows the provision of the option of the user verifying the information written to the disc." (see figure 3 and column 2 lines 62-65). Figure 3 shows downloading and subsequent verification of the information written to the disc by the ATM. Since Peters' teaches that the user may verify the information written to the disc, including the image information, it is necessary to display the image data on the display screen 14 in order for the user to verify the image data written to the flex disc, since Peters' system includes no other means for the user to verify the image data written to the flex disc. Since the purpose of storing the images is to enable the user to view the images, nothing less than displaying the images would allow the user to verify the information written to the flex disc, and Peters teaches that the verification is done at the ATM (see figure 3, column 2 lines 45-59 and 62-65).



In response to Applicant's argument that there is no evidence that Peters has the memory necessary for reading the disc, nor is there any evidence that Peters' ATM is able to decompress disc data or read encrypted data which was written to the disc by the ATM (see page 8 of the amendment filed on 4/11/2002), as discussed above, Peters teaches that the user may verify, at the ATM, the information written to the flex disc (see figure 3, column 2 lines 45-59 and 62-65). As arrow B in figure 3 indicates, the ATM reads the information on the flex disc, so that the user may verify the information written to the flex disc. Thus, it is necessary that the ATM includes the necessary memory for reading the disc, the ability to decompress disc data and the ability to read encrypted data, otherwise the user would not be able to verify the information written on the flex disc.

In response to Applicant's argument that Peters desires to reduce space within the ATM, thus, Peters teaches away from having the additional hardware and software features necessary to permit the ATM to display the user image and an item image to a user (see page 9 of the amendment filed on 4/11/2002), Peters teaches that the space reduction is accomplished by the exclusion of a conventional printer (see column 1 lines 8-13 and column 2 lines 24-26), these passages have nothing to do whatsoever with the display hardware and software.

In response to applicant's arguments against the references individually (there is no disclosure or suggestion that Cataldo's depository even has a display, Henry does not teach or suggest that amount data is displayed through a display with a user image and an item image, see page 10 of the amendment filed on 4/11/2002), one cannot

Art Unit: 2876

show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there any disclosure or suggestion that Peters' display is capable of displaying Cataldo's film, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

For the reasons stated above, the Examiner feels that a prima facie case has been established.

### **Conclusion**

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2876

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703) 305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

*JJF*

jif

June 19, 2002

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800